

VON S. HEINZ
Nevada Bar No. 859
vheinz@lrlaw.com
LEWIS AND ROCA LLP
Suite 600
3993 Howard Hughes Parkway
Las Vegas, Nevada 89169
(702) 949-8200
(702) 949-8351 (fax)

Attorneys for Defendant
LIFE INSURANCE COMPANY OF NORTH AMERICA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NORA SELBY

Plaintiff,

vs.

LIFE INSURANCE COMPANY OF NORTH
AMERICA, as Claims Administrator for the
SOC LLC Group Insurance Plan

Defendant.

Case No.: 2:12-cv-01989-JCM-CWH

**PARTIES' STIPULATED DISCOVERY
PLAN AND SCHEDULING ORDER
WITH PARTICULAR
REPRESENTATIONS AND
MODIFICATIONS**

***SPECIAL SCHEDULING REVIEW
REQUESTED***

Counsel for the parties participated in a conference on January 2, 2013, for purposes of Fed. R. Civ. P. 26(f) and LR 16-1 and 26-1. This conference was attended by Julie A. Mersch, counsel for Plaintiff Nora Selby ("Selby"), and Von S. Heinz, counsel for Defendant Life Insurance Company of North America ("LINA"). At this conference, counsel discussed the disclosure obligations of Fed. R. Civ. P. 26(a)(1) and the remaining issues contemplated by Fed. R. Civ. P. 26(f) and LR 16-1 and 26-1. Because the insurance at issue in this case is governed by a fully-qualified ERISA plan, Fed. R. Civ. P. 26(a)(1)(B)(i) exempts from initial disclosure requirements actions for review on an administrative record. However, as stated below, LINA has agreed to provide documents to Selby which would otherwise be discoverable under Rule 26(a)(1), constituting the administrative record for this matter and will file them with the Court on or before January 18, 2013.

A. RULE 26(A)(1) DISCLOSURES

LINA will provide to Selby, on or before January 18, 2013, the administrative record for the claim for long term disability insurance benefits submitted by Selby, redacted for the sole purpose of removing references to Selby's personal identification number.

LINA will file the administrative record upon which trial shall be conducted with the Court on or before January 28, 2013.

B. DISCOVERY PLAN AND SCHEDULING

Because ERISA governs this matter, Rule 26(a)(1)(B)(i) governs and the case is exempt from the initial disclosure obligations of Rule 26(a)(1)(a). This case is also to be presented for a summary bench trial. *See Mongeluzo v. Baxter Travenol Long Term Disability Benefit Plan*, 46 F.3d 938 (9th Cir. 1995); *Kearney v. Standard Ins. Co.*, 175 F.3d 1084, 1090 (9th Cir. 1999) (en banc), *cert. denied*, 528 U.S. 963 (1999); *Nolan v. Heald College*, 551 F.3d 1148 (9th Cir. 2009).

C. DEADLINE TO AMEND THE PLEADINGS AND ADD PARTIES

The parties agree that any request to amend the pleadings must be made within 45 days of the date of the Court's approval of this submission.

D. INTERIM STATUS REPORT

The parties shall file an interim status report, required by LR 26-3, by Friday, March 1, 2013.

E. SETTLEMENT

Although the likelihood of settlement cannot be presently established, the parties have already discussed case resolution and the possibility of alternative dispute resolution.

///

///

///

///

///

///

///

F. PRETRIAL ORDER

A pretrial order is not necessary for this case, since it is to be tried in accordance with the specialized form of bench trial directed by *Kearney and Nolan, supra*. The parties will submit a proposed trial briefing order, with proposed dates for opening, answering and reply briefs, no later than January 18, 2013.

LAW OFFICES OF JULIE A. MERSCH

LEWIS AND ROCA LLP

By: /s/ Julie A. Mersch

By: /s/ Von S. Heinz

JULIE A. MERSCH

VON S. HEINZ

Nevada Bar No. 4695

Nevada Bar No. 859

1100 East Bridger Avenue

Suite 600

Las Vegas, Nevada 89101

3993 Howard Hughes Parkway

Attorneys for Plaintiff

Las Vegas, Nevada 89169

NORA SELBY

Attorneys for Defendant

Dated: January 11, 2013

LIFE INSURANCE

COMPANY OF NORTH AMERICA

Dated: January 11, 2013

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

Dated: January 14, 2013